



REGULAR COMMON COUNCIL MEETING
JANUARY 3, 2011
7:00 P.M.

Regular Meeting	The Regular meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Monday, January 3, 2011 at 7 p.m.
Present	Mayor Sebastian N. Giuliano; Council Members: Thomas J. Serra, Vincent J. Loffredo, Ronald P. Klattenberg, Philip J. Pessina, Gerald E. Daley, Joseph E. Bibisi, Robert P. Santangelo Hope P. Kasper James B. Streeto, Grady L. Faulkner, Jr., Deborah A. Kleckowski, David Bauer; Corporation Counsel William Howard, Sergeant-at-arms Acting Chief of Police Patrick McMahon; and Common Council Clerk Marie O. Norwood.
Also Present	Fifty members of the public
Meeting Called to Order	The Chair calls the meeting to order at 7:22 p.m. and asks Councilman Loffredo to lead the public in the Pledge of Allegiance.
Call of Meeting Read	The Call of the meeting is read and accepted. The Mayor declares this call a legal call and the meeting a legal meeting.
Motion to Accept Agenda	The Chair states he will entertain a motion to accept or amend the agenda. Councilman Serra moves to amend the agenda by adding agenda item 10I, an emergency purchase for Emergency Management; Substituting agenda item 13, Mayor's Appointments; and removing agenda item 12-6, LoCIP for Mobile Data Terminals. Councilman Streeto seconds the motion. The Chair states the motion is in order and calls for discussion. Hearing none indicated, he calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the motion passes unanimously and the agenda is adopted as amended.
Point of Privilege	Councilman Streeto makes a point of privilege and states the Democratic Caucus talked about old business and he asks if anyone intends to take old business off the table in case there are members of the public wishing to speak to it and no one in the democratic side is going to do it. Councilman Serra states the intent of the caucus is no action on this because there are a few things that need to be done including a downtown survey and data to the parking lot and the usage of the monies from the federal government and we intend to have no action until we get the answers we need. The Chair states was it your intention to postpone indefinitely. Councilman Daley states his intention was to have a discussion at the Economic Development Committee and try to get solid information on the earmark funding and we had a healthy discussion with Director Hartley and subsequent to the meeting we received further clarification from the lobbyist that the highway portion is not at risk of lapsing and I would be in agreement to put this off to allow for further consideration by the downtown community and possible poll and to get the results of the service life analysis we contracted for and make a more informed decision. We will have better data with the automated systems so his whole thing was not to jeopardize the federal funding and we have been assured it isn't. The Chair states we have to do something. When it comes up it will be postponed. The Chair states item 9, the LoCIP grant regarding the parking garage, if you are here to speak on it, that is the piece of business to be postponed indefinitely. If it makes a difference to you, that is what will happen.

Agenda Item	3-1
Description	Resolution
	The Chair recognizes Councilman Serra for agenda item 3-1, honoring the MHS Blue Dragon Band. He states your Honor I have a resolution and he reads it into the record that the band won the USSBA New England competition. He moves it for approval and is seconded by Councilman Pessina. Councilman Serra states it has been a joy to watch the band and going to all the games and some of your concerts; it is incredible, your sound and precision. The work you put into it is noticed by the community. He offers congratulations on behalf of the City of Middletown.
	Marco Gaylord, Director of MHS Blue Dragon Band, thanks Councilman Serra and the City. He states we are proud and we know you are proud of our work in the fine arts. It has been a long time without a practice field and

the new building has helped and part of our help is the UCONN marching band coming down and helping us on Sunday night. Some are alumna. He introduces Natalie Schmitt and Kelsey Diemand. We hope to see you on May 11 when we go to the symphony.

Miss Schmitt states the band has made a lot of improvement this year and we had great success and would not have happened without the administration's support. Ms Diemand states we owe our success to the City of Middletown and we want to thank the Mayor and Council.

Resolution No.
File Name
Description
(Approved)

01-11
cc2010mhsbandchampionship.doc
Honoring the Middletown High School marching Blue Dragon Band.

WHEREAS, the Middletown High School Marching Blue Dragons Band won the United States Scholastic Band Association (USSBA) Class VI Connecticut State Championship; and

WHEREAS, the Band won the USSBA Class VI New England Championship on October 23, 2010; and

WHEREAS, the Middletown High School Marching Blue Dragons Band is the largest band in the State on the competitive circuit and the largest team, school activity, at the high school with over 200 members; and

WHEREAS. The band is under the direction of Marco Gaylord, Director and Kim Everson, Assistant Band Director, Paul Gradie, Percussion Line Instructor, who work with student leadership, Drum Majors Mike McGuire, Zoe Fieldsteel, Natalie Schmitt, Kaitlyn Pearce, Kaitlyn Passons, and Emily Levis along with Band Captains Steven Gambino, Kelsie Sprague and Jordan Brown; and Section Leaders Anna Abongio, Alexander Horn, Andrew Satterberg, Brailey Williams, Reba Stanley, Anthony Kipphut, Will Molski, Tyler Ashlin, Nick Gopal, Francis Moua, Amber Drew, Ronnie Vaughan, Brandon Downer, Will Hawkins, Steven Gotta, Michael Cho, Ritu Mehra, Pam Torres, and Liam Shugrue; Music Coordinators Klaudia Kawka, Dilovan Serindag, and Michelle Lau; and

WHEREAS, the Flag Corps and Dance Team who perform with the band are under the direction of Mary Pistorino, Flag Corps Director, Lisa Geary, Dance Team Director, and Lance Piantaggini, Drill Team Creator; they work with student leadership, the Drill Coordinators Kelsey Diemand and Kim Feener, Dance Team Captains Emily Hatfield and Taylor Willette, and Flag Corps Captains Dakota Altieri and Katherine Mosca; and

WHEREAS, the Middletown High School Marching Blue Dragons is an attraction at school events, including Football games where this year's half time show consisted of "I don't Care" by Fall Out Boy, "Seven Nation Army" by White Stripes, and "Poker Face" by Lady Gaga where they perform to the enjoyment of their audience.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we congratulate the Middletown High School Marching Blue Dragons for their outstanding performance at the United States Scholastic Band Association competition and their triumph in capturing the New England Championship, not only for themselves, but also for their school and the City of Middletown; and

BE IT FURTHER RESOLVED: That a successful partnership of adult-student leadership, as well as the hard work of the 200 plus members of the Middletown High School Marching Blue Dragons, along with the support of the Middletown Board of Education, Band Boosters, parents and community is an asset to Middletown that we all should continue to support; and

BE IT FURTHER RESOLVED: That we offer our encouragement to continued efforts on the community's behalf and wish for the Band members, Flag Corps, and Dance Team, future success on their competitive endeavors to bring acclaim to our community that we are all proud of.

Agenda Item
Description

10-2
Resolution

The Chair states Councilman Loffredo there is a resolution that will be approved by acclamation and Councilman Serra will present it. Councilman Serra states it is déjà vu all over again. He states he did an op ed piece on February 14, 1990 and he reads from it. He states it is still true, Councilman Loffredo works with a passion. He reads the resolution. We are honoring him this evening and because we know he will be very busy with his new job during the night time. Councilman Serra moves it for approval and asks to address it. Councilman Santangelo seconds the motion. The Chair states the motion is adopted. Councilman Serra states what he said earlier is from 30 years ago and now it is 50 years and he has not changed. I have watched him and his passion and due diligence. He looks for the answers and looks at what is necessary for the good of the citizens of Middletown. We knew it a long time ago. At one Council meeting we knew he had

researched an issue and would take a lot of time and one time we took the batteries from the mics and four mics later he said all right you guys and he made his presentation anyway. He congratulates Councilman Loffredo and states we will miss you and your due diligence. Good luck and god speed. He asks him to come down to the public podium to accept the resolution. Councilman Serra states on behalf of the citizens we have a plaque for you. Councilman Loffredo states I will hold my comments to the end of the meeting.

The Chair states we are not done; we do have something more. I have a proclamation. He reads the proclamation honoring Councilman Loffredo for his civic work and naming January 4, 2011 as Vincent J. Loffredo Day in the City of Middletown.

Resolution No.
File Name
Description
(Approved)

02-11
ccloffredo.doc
Honoring Vincent J. Loffredo

WHEREAS, Vincent J. Loffredo, Middletown Common Council Member will leave the Common Council at the conclusion of the January 3, 2011 meeting; and

WHEREAS, Vin was born and raised in Middletown, the son of Eva and Dr. Louis Loffredo, attended local schools and graduated from Marquette University with a B.A. degree; and

WHEREAS, Councilman Loffredo sat on the Council from 1977 ó 79 and from 1981 through 1990 when he left the Council to become the Middletown State Legislator for District 33; and

WHEREAS, upon Vinis return to Middletown, he ran for a Council seat in 2005; he was elected and subsequently was reelected in 2007 and 2009; he served as Chair for the Personnel Review Committee and also served on the Insurance and Claims Committee, Board of Health, Water Pollution Control Authority, Public Safety Commission, the Retirement Board, Economic Development Commission, and the Middletown High School Locker Room Committee; and

WHEREAS, he has been an active, resolute member of the Middletown High School Building Committee to ensure the success of its construction, as well as the Chairman of the Fire Service Cost Committee which is pursuing ways to maximize the taxpayeris dollars for each of the Fire Districts; and

WHEREAS, Councilman Loffredo was promoted to Director of Government Relations for the Connecticut Education Association and knows that by committing to do his best in his new position it will not permit him the time do his best as a Councilman for the taxpayers of the City of Middletown.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we thank Councilman Vincent J. Loffredo, for his hours of service and dedication to Middletown; we appreciate his due diligence to the needs of the City as well as his concerted efforts to always consider the taxpayers in his decisions during these trying economic times; and

BE IT FURTHER RESOLVED: That we extend our sincere best wishes to him in all his future endeavors; we know that he will work for the CEA as he has for Middletown, maintaining his long-establish and time-honored professional and ethical conduct to get the job done.

Agenda Item
Description

4
Approval of Minutes

The Chair states we will move to item 3 and requests a motion to approve the minutes of the regular Common Council meeting of December 6, 2010 at 7 p.m. meeting; Special Meetings of November 30, 2010 at 7 p.m., December 6, 2010 at 6 p.m. December 9, 2010 at 6 p.m. and December 9, 2010 at 7 p.m. having been deposited with the Mayor and Corporation Counsel and copies of the same having been served on each and every Council Member, the reading of the same having been dispensed with, Councilman Streeto moves them for approval and is seconded by Councilman Pessina. There is no discussion. The Chair calls for the vote. Councilman Klattenberg states he abstains from the vote on the special meetings held on December 9 at 6 and 7 p.m.; Councilwoman Kleckowski abstains from the vote on the December 9 meeting as well; Councilman Serra abstains from the vote on the December 6, 6 p.m. meeting and December 9, 2010 at 7 p.m.; and Councilman Faulkner abstains from the vote of the December 6, 2010 meeting at 6 p.m. The Chair states are there any others. Seeing none and no discussion indicated, he calls for the vote. There are no nay votes. The Chair states the matters pass with the abstentions noted.

Agenda Items
Description

5 and 6
Public Hearing Opens on Agenda Items

The Chair opens the public hearing at 7:46 p.m. on any item on tonight's agenda. He reminds everyone that there is a five minute rule. The Chair states if you need more than 5 minutes, you can come back after everyone else has spoken.

Brenda Wilson asks the Council to support the Autism Music Festival in their fourth year. She states 2011 will be a wonderful year and we are fulfilling our core mission of making the community aware of autism. We would love to have the City co sponsor the music event and there is an ordinance fee of \$50 and that is something new and she asks if that comes with sponsorship and I know that the showmobile is an addition and she asks for the City's resources. It is a large amount of money to us. We want to keep it at our level and we would like to lower our hours from 11 to 4. She thanks the Council and states we appreciate your support.

Sal Caracoglia speaks on agenda item 7-1 confirmation of the Chief of Police and I support that. I would like to mention a few things about the Chief. He seems honest and has compassion for the City of Middletown. I believe that you politicians should stay out of police investigations. I have seen many criminal investigations that were covered up. We have seen when Mayor Thornton was arrested for DUI, a politician went to Hartford and got the results and changed them. But the politician went in there and the politician gave the evidence. Councilman Klattenberg states I object to this line of comments. Mr. Caracoglia states he doesn't want two sets of rules and when the politician does something wrong nothing happens. He states one Councilman tonight is the Chairman of the Police Commission and this person has interfered trying to help his wife who accused me of disorderly conduct. The Chair states this is not on the agenda, Sal. Mr. Caracoglia states it is part of his comments. He states the Chairman induced a police officer and his wife to lie. The Chair states it is not on the agenda. Mr. Caracoglia states he will give this to the Chief tomorrow and he doesn't want this man to interfere with the investigation and I will ask him to resign. The Chair states no one will interfere with the investigation.

Derek Puorro states before you vote on the Chief of Police, you should know about the work relationship between the Union. He has helped change the Union relationship from adversary to friendly. It has been hostile with the previous administration. This communication has led to doing better business and hopes you will take it under consideration this evening.

Izzy Greenberg, Director, North End Action Team, speaks in favor of the appointment. The Chief did not ask people to come out and as Director of NEAT, she felt she should come out and speak. He has been a partner in the area and has supported the community. She asks that they confirm his appointment.

Kevin Smith speaks about the appointment of the Police Chief and came and spoke about his appointment in October and raised the question of independence with the relationship of the Mayor regarding the seizure of the Board of Education building, the arrest of football coaches and the threat of arrest of Board of Education employees. Since then there has been seizure of equipment. The agreement entered into by the City, clearly the City does not control Board of Education property and no one can enter and take property without permission and the police treat it as independent property. The Mayor cannot direct the Police Chief to go and seize property. And that is what was done. There were no warrants. The Chief defended himself on a couple of these. On the seizure of the building, it is not City property and the Mayor cannot send him in there and I would like to know what he would do. He did not address the coaches, but he would like to know if it went up the chain of command, I would like to know how far up it went. Regarding the arrest of the business manager, I don't know. The issue of the Charter and the Mayor's responsibility and the Council and I know Attorney Lynch did hours of research and I am looking at the language and it says shall be appointed by the Mayor and confirmed by the Council. For the Chief, Directors, they have to be appointed by the Mayor and confirmed by the Council. It doesn't say you have to confirm them. You can't appoint the chief and the Mayor can't confirm the Chief and both of those things have to happen; if both happen he is the Chief and if they don't happen, he is not the Chief. Using language from an ordinance to interpret the Charter for advice and consent, you can change the ordinance and the Charter does not supersede any law. It doesn't supersede State law. When the State is in control it is the State. The residency. I don't like the residency requirement. I do have a problem with it, but it is the law. It is on the books and it says domiciled and reside here and it is a stiff and stringent standard. It is not just say domiciled and not just reside. You can only have one domicile; that is home. This requires both here. It is not confusing. You want to waive it, I have no problem. But it is here and the hoops they jump through and the

Mayor took the position that he has complied with it, I don't understand it. These are issues that he has with this appointment.

Lucy McMillan congratulates Marco Gaylord on his award. I don't understand the Mayor appointing and Council confirming, but I believe you need honest communication and when that happens, things work. She asks that they support the appointment of the Chief of Police.

Earle V. Roberts states it is time to have a Chief and agrees with the residency requirements. We live in a transient world today. He comments on 3-2 and having gone back to the days of the old set up and listening to many mayors and things pop up and one thing and his wife expressed her feelings, the due diligence is important and the last statement for ethical conduct I applaud you for that. You were exemplary in that area. We did not always agree. I am concerned with the \$20,000 of breaking down of the two houses and how do we get to do this. Why can't we find the funds to back it up. Did we try Habitat for Humanity. The issue for the \$700,000 for the stabilizing of the well fields and the ordinance talked about the high water mark and it doesn't concern itself about the flood plains that go beyond the high water mark and he hopes it is being addressed. The last concern is two years ago when he sat on the Council on the study of the Fire Services Cost Committee, he strongly supported it and we spoke to support it and here is the summation or proposal. To this report, it offers good background. As far as the suggestions for saving money they are individual with the keeping of the three districts. What will have to happen and part of this report is to go to the State legislature for help on some of the cost issues. The State legislators were going to do some work on the special taxing districts and set up for consolidation of departments. It is a cost issue. You have a new Governor and this is an area that they need to be brought up on and I will make sure the Governor gets a copy of the report. He is in favor of consolidation of services. There are greater opportunities beyond the report. He will look forward to the debate and hopes this report is not just put on the shelf. He hopes everyone collectively will notify the legislators.

Catherine Johnson talks about the appropriation for demolition for Portland Street. I have been coming before the Commission since 1989 talking about the best way to use the land. As I understand it the impression left in the presentation in EDC and tonight is that the idea that the building is a toxic waste dump. Except for Councilman Daley, everyone lives in a house that is not new and if your house is older than 1978, you have lead in your house. There are thousands of studies on this and they don't know how lead gets into the human body. The houses that are there can stay as is and be sold and they would not be the City's property and if you take them down, then we can't do anything. It is more expensive for the government than the private sector to be in this process. She is not sure what the money is for because the last meeting was the vote was to see if they can sell them or this a change that is being made that was not discussed in the public's eye. I am looking very hard at the Council today from years ago and I don't see anyone taking a step forward and trying something new. Why aren't we going to try that before we take them down. The long and the short of it is only where the windows move should there be a concern. Everything else should be encapsulated. She is not sure about the \$20,000 and we need to have the decisions made at EDC stick and not change in a short period.

Stephen Devoto speaks to the confirmation of the Police Chief and we heard two people talk about honest and open leadership and he asks that from you. He is puzzled since the Police Chief discussion is and what the real issue is and I haven't understood it and the best understanding he got was when he asked at Westfield and it hasn't been clear of what the issues are and what someone said is the Police Chief is not deferential enough to the Council. I thought about that and I can see where that comes from and my only interaction with the Police Chief and I asked him for a report for a story and his response was very loud and he said, that is not closed, you can FOI it and if I had written about it I would have said he barked this and it bothered me and I thought he should be more deferential and I can see how he doesn't come across that way but that is what I want from a Chief. I don't want him to give preferential treatment and all the rumors I heard, not once have I heard him accused of favoritism of doing something special for a Councilman's wife or brother-in-law. He comes across as fair and I think he is fair and he brings trust that we will have fair leadership and not preferential leadership even if we don't necessarily treat us preferentially. He would like to hear the reasons why you are voting for or against confirmation.

Tom Hibbard husband of Councilwoman Kleckowski speaks on behalf of the Chief. I did not come to the last meeting and I watched it and was impressed by the broad support he had from the community. The former Chief did set about a plan to train and get Pat McMahon and Greg Sneed to take over those positions, and Mr. Hibbard states he has 22 years in the Navy and is

retired from the reserve as Commander and I know about leadership and I have great respect for what they have achieved with a level of success. It is good to see the broad base support he has in the Community. He has not heard from the Council members a good reason for why they should not confirm him. He urges you to confirm him. They have earned the full faith, trust, and confidence of the people and that is difficult to do to the level they have done. It is the trust and confidence they have. They have worked to cultivate the community. Having walked in those shoes, it does not transfer automatically and it is a well functioning chain of command. As far as the public is concerned the Chief is Pat McMahon and the Deputy is Greg Sneed. If you put someone else in, it will take a long time to earn that trust and confidence.

Bill Grady and though a member of the Board of Education, he is not representing the Board and not here to support or not support the confirmation of Pat McMahon but I want you to know over the past three months, we have met for hours on the issue of School Resource Officer that came up last September and it is only fair for the Council and public to know for the hours we met he was intelligent, sensitive and unfailingly in good humor. There was no barking and there was no need for deferential treatment and we worked together to solve a problem and it is important that he was appointed to solve that problem and his efforts in that regard that the 5,000 children in our schools appreciate that as well.

Rosa Browne, NAACP President, asks the Council to appoint the Chief because we need a Chief. We are demanding equal treatment and we need a Chief of Police. We ask that you vote him in so we can have the discussion on the minority issues in this town.

Public Hearing Closed

The Chair asks if there are other members of the public who wish to speak to come forward. Seeing none, the Chair closes the public hearing on agenda items at 8:24 p.m.

Agenda Item

7A

Description

Appointment for Police Chief

Questions to Directors

The Chair asks if there is any Council member wishing to address questions to directors. Councilwoman Kleckowski asks if she can address questions to Director Milardo. Councilwoman Kleckowski asks Ms Milardo to give a rundown on how directors have been appointed in the past few years. Ms Milardo states there are various processes and there was something that was addressed in the 6 p.m. meeting. The process is exclusive to the executive branch. The processes have gone from one extreme from the assessment center to a simple appointment process based on internal applicants, ensuring they meet the criteria of the job and presenting them to the Council. The 15 positions that require Council confirmation have been equally split between external recruitment and internal recruitment. It has been done seven times in the past and encompassed two administrations. She came in at 6:30 because she thought questions to directors began at 7 p.m. Knowing it began at 6, she would have been there. She caught a comment regarding the credibility and that it advocates for a candidate. She states what she is doing right now is no different than what I have done for 7 appointments under Thornton and 6 under Giuliano. I have done the same and I will not get into the legal debate on subjective criteria versus objective criteria. The credibility of the Personnel Office has been under siege since the process started. The assessment center, I made a mistake after conversations with the Personnel Review Committee, and there is no better process than an assessment center. Four candidates applied and were deemed qualified and given where we are today, I have to believe I made a mistake and I should not have advocated for it to her boss because it has caused more controversy in this City and she has to state to the Council and you have known me and if I feel something needs to be answered, I am compelled to do it and if I feel my office is under siege for the quality of work, then I respond and I don't apologize for that. In terms of the advocating, it is no different than the work I performed for Mayor Thornton or the six candidates that came from Mayor Giuliano and it is no different than when I sat there as a candidate. If you were here, the Personnel Office stood up and defended the appointment because I met the qualifications of the job. We are doing the same process. Councilwoman Kleckowski asks when a person is hired as a deputy is it not so by virtue of the job that they have the same qualifications to be director. Why is it the same. Ms Milardo responds almost all deputy positions or assistant positions have within the criteria in the job description to assume the responsibilities of the director. You have to meet the minimum qualifications of the job. Councilwoman Kleckowski states the conclusion is that when the current acting was deputy, they confirmed and appointed him to act as the chief when the former chief was not available.

Councilman Klattenberg asks for clarification; it was mentioned you didn't want to get into subjective and objective criteria and role of the Council and the memo you sent to us on December 30, the Council should ask itself if he meets the minimum qualification of the job and I took offense at that. I thought my role was broader than that. Are you saying the role is broader than that. Ms. Milardo responds I am not an attorney and I have been here through 15 appointments and I have seen the Council consider all the criteria and focusing on the credentials; can this person perform the duties and do they meet the requirements and I don't want to disagree with Attorney Lynch and what is the practice in Middletown. It is for each of you to determine that and what I wrote was what I believe you have done in the past. You are being asked to act no different. My concern is you have accurate information to render a decision. I heard comments of performance evaluations, lovely thought. It will be difficult to apply in the current climate but a performance evaluation is a wonderful way to evaluate employees and we have to acknowledge our behavior and can they be truly objective. I just want you to have the information you need to make an unbiased decision on the candidate and that is my goal.

Councilman Faulkner asks notwithstanding the Mayor to choose his candidate and given the candidates desire last year for a search, you are saying you wouldn't recommend the assessment, what would you recommend. Ms. Milardo responds what you have today. An internal process. We spent a lot of money on an assessment center that produced quantitative results and gave you indicators of a candidate's performance and that has come into question. I have not believed in nation-wide searches and Bridgeport did that and it is very expensive. We need to be cognizant of the tax payer dollars and if we are doing a search because it looks good, then we are not spending taxpayers dollars the way we should. The assessment center has not been anything other than a debacle in this process. I don't think anyone can look at me and say it produced the intended results.

Councilman Kleckowski asks to address questions to Attorney Lynch. She asks questions on domiciled versus residency. I grew up in a family with Sunday dinner and he went off to work; is there a problem discriminating between marriage versus single. If he were not married or divorced and he went to see his family, what would that mean compared to the situation we have. Please speak to that. Attorney Lynch states he would hesitate involving ourselves in hypothetical and we should look at the ordinance. Domiciled, it is understood is living here. It further defines it by not meeting it with Post Office box. I believe he meets it. Councilman Kleckowski states her other point, it is the residency for the candidate and not the family. Attorney Lynch replies yes. Councilwoman Kleckowski states we are making assumptions about married folks living in the same town under the same roof and divorced people do the same. Mr. Lynch states you need to examine it with the candidate alone. Councilwoman Kleckowski asks what is the difference between domicile and residency. I want it clear that I am not basing my decision on likeability and if it is an issue of residency, I would like it explained one more time. Attorney Lynch responds we define it as domiciled which means live here.

Councilman Streeto states briefly I thought you could have the opportunity to correct something. The Charter change was language in the early 1990s. Attorney Lynch states the times it was changed and it comes from the 1992 copy.

Councilman Daley asks Attorney Lynch you stated and previously to questions to directors that you felt Acting Chief McMahon complied with the residency ordinance and early this evening he said he established roots in the community and it was your opinion he met the ordinance and earlier you talked about the importance of decisions based on objective criteria and when you gave the opinion was there subjective opinion involved. Attorney Lynch states he doesn't think so. Councilman Daley asks about the term domiciled. Attorney Lynch states domiciled is putting roots in the community and based on the number of people that spoke that he is involved in the community. Councilman Daley states I don't dispute that but I am asking if that is subjective or objective. I see you expanding your decision process and that is the difference between objective and subjective and there are few decisions that are totally objective. My final question, the residency issue is not at the top of my list of concerns; it is one from the standpoint that Mr. Smith mentioned. This is the law of our City and you would expect the Chief Law Enforcement officer to comply and the chief executive takes an oath to uphold the ordinances. I am trying to find an objective way to define residency. The State of Connecticut puts forth a definition for tax purposes; the Acting Chief has a legal residence outside of Middletown. He reads the definition from the State Department of Revenue Services. For me a fair

definition is more than half time in one location and there is a way to be objective on this. And I will freely acknowledge that he has heard the anecdotal stories that he spends time in different activities and that is laudable but that is not saying that he has complied with the ordinance. Councilman Daley continues that he is trying to be objective. Attorney Lynch asks if there is a question. Councilman Daley states being here at least æ time is objective would you agree. Attorney Lynch responds the IRS believes æ time and he would hope Middletown is the address he uses on his tax return.

Councilman Santangelo states domiciled is when they leave, they will return to that home and it doesn't say anything about community service. It is where I left in the morning and returned to at night. What Councilman Serra said is, there is a difference between residence and domiciled. That is the dictionary one. He states many people have businesses and use it as an address, but they don't live there. The whole thing is this is where I leave and return to. You started to expand on the definition and his activities. He is involved with basketball at Macdonough but that doesn't mean he is domiciled here. Attorney Lynch states he said live and activities. He asks if there is a question. Councilman Santangelo states you said driver's license. Attorney Lynch responds you asked me why I thought he lived here.

Point of Order

Councilman Pessina states this is a debate.

Councilman Santangelo states I am clarifying a definition. You don't know the answer. The Chair states let him answer. Attorney Lynch responds domicile is where you live and it is my belief he lives here. Councilman Santangelo states if believe it is not an objective term. The Chair states you are out of order. Councilman Santangelo states this meeting is out of order.

The Chair states he has two questions; if someone were suing Patrick and left legal process on George Street, would it be legal service. God forbid Chief McMahon died, which Probate Court would take over his estate. Attorney Lynch responds the one on Court Street. The Chair asks does it fall under the law; Attorney Lynch responds yes domiciled.

Questions to Candidate

The Chair asks if there are questions for the candidate. Councilwoman Kleckowski states yes and asks if he would like to make an opening statement and if you would like to respond to charges, allegations, and statements made. Councilwoman Kleckowski asks if his car is registered in Middletown. The Acting Chief states he doesn't own a car and doesn't own property in Norwich. He states since the last confirmation hearing, he has revised his list of accomplishments and new goals. You have been provided with a copy of the separation agreement with Groton. This past October, he came before you as a candidate for Chief and many people spoke on my behalf. You should have a copy of the endorsement letter from the downtown business district. Your mind is already made up, You commented in October that I was qualified. I came before you in October from a process from the assessment center and two community meetings. Tonight I came before you with the same process used for the last candidate. It was Acting Chief of Police and she only applied and was vetted by the Personnel Review Committee and was moved forward and confirmed as the Chief. My appointment before you is from an internal process; only I applied and I was appointed. I was interviewed by the Personnel Review Commission. Any questions on the process should not be a concern and this process has been used for the past 15 years. As I stand before you I am in my 18 month as Acting Chief and I have shown I am competent and capable as Chief of Police. He discusses comments and some made by the Council could be considered discriminatory. He did it again because he loves Middletown and the department; it is a young department and he is passionate about the work he does and that he lives and works in Middletown. You lauded a City Director for the work he did on St. Sebastian's school and called it innovative; on the acting Sergeants, he was not considered as innovative. Being different does not make you wrong. Politicizing the process is wrong. Some of you say I don't meet residency to your requirement. I stand as a Middletown resident and qualified candidate. You used this process four years ago and did not cause a problem four years ago. He has followed the news about the East Hampton Police Chief and he hired a lawyer. He has remained above the negativity and does not make him unfit for the position. People may disagree with me; however, I don't check the pulse of popularity and work with the best interests of the department at heart. Earlier today, uniformed Middletown police officers were in Middletown High School. I hope you will think and act reasonably and confirm my appoint as Chief.

Councilman Bibisi states he went through the paperwork and is proud you attained your education and you represent the City to the highest level and I am proud you are the Acting Chief and I will support you. You are missing

the FBI Academy and you have an invitation. The Acting Chief states that is right. Councilman Bibisi states there is nothing else. He has only heard of nothing but good work and the community has praised you for your interaction in our community which we never had in the past. I will support you as I am sure others will.

Councilman Pessina states you have risen above one of the toughest vetting processes I have ever seen. You remain professional which is a good indicator to all of us of the ethical standards you conduct and live by. You are taking over the department that is second to none. I know what it means when someone says they have a special working relationship with the neighborhood and community. If you don't have that, no matter how educated you are, you are missing an important piece of leadership. During the vetting, you opened your background because you had nothing to hide. I have the utmost respect for you, Deputy Chief Sneed and the police officers in the Department. You have shown you are a leader to the community with mentoring, with the youth and neighborhoods. I will be supporting you for the second time and he urges his colleagues to do the same to give the Department a Chief that is listening and acting for the betterment of Middletown. The Chair asks if you have questions for him. Councilman Pessina asks if he was ethical; the Acting Chief responds yes. Councilman Pessina asks if he lives in the City; Acting Chief McMahon responds yes. Do you have a relationship with the neighborhood; Acting Chief replies yes.

Councilman Loffredo asks about the material they received from the Personnel Director on December 30; the disclosure of the situation in Groton is this full and complete why you left Groton. The Acting Chief states that is the separation agreement; it is what it is. He states he sent an e-mail to the Council because Councilman Daley asked about it in 2007, a questionable work history with Groton. The agreement was released in 2007 and he was asked if he wanted to release it. On page 5, the background information; he did not know he was investigated. He reads from page 5. He was not a fit; he came from a department of 90 to 50. Councilman Loffredo states the beginning part talks about what seemed to precipitate this and it is a 3 day suspension. The Acting Chief states it was rescinded. The Mayor can suspend anyone and if it is arbitrated, it can be changed. Councilman Loffredo states that whole issue became part of the settlement; Acting Chief McMahon states the suspension was not appropriate. He made a mistake and thought the action was punitive and he hired an attorney and we agreed to disagree. Councilman Loffredo states it became part of the settlement agreement. Acting Chief McMahon responds yes. Councilman Loffredo states you discussed the hiring of additional sergeants as creative. The Acting Chief replies yes it was his recommendation. Councilman Loffredo states the fiduciary responsibility where does it lie. Acting Chief McMahon responds it is all of us; I present a budget and I have to live within it. All of us have it and the Charter states the Council adopts the budget and additional monies have to come through you. Councilman Loffredo states regarding fiduciary aspects of the City, Council and Mayor. Your department has \$11 million and of that budget how much is controlled through collective bargaining. Acting Chief McMahon responds 81%.

Councilman Daley asks further about the events and I do not intend you to violate the confidentiality requirements and I believe since this is public information available from news reports back in October, 2006, it was reported there were two incidents that I would like to have further explanation of, but if it is a violation of the agreement, I won't ask you to respond. One is the Police Union took a no confidence vote and one was in November, 2006 and one on October 14, 2006. It was reported that you were escorted from headquarters after an officer filed a complaint against you. Were either of those reports related to the actions that led to your separation from Groton. Acting Chief McMahon responds the first is subjectively I would say yes; no confidence was against the Chief and I. The other, he hired an attorney that resulted in the agreement before you. Councilman Daley reads the report; it didn't talk about the Chief, the no confidence report. As I recall from the hearing in 2007 the facts as he heard, they were never in dispute. In 2007, the remark was imprudent on your part. The Acting Chief states it was a mistake. Councilman Daley states a remark was made. The Acting Chief states it was a demonstration he learned from his instructor in the Marine Corps and when he used it, it was inappropriate. He repeated a joke and it was offensive when an officer down the hallway heard it and complained. Acting Chief McMahon continues that Councilman Santangelo stated he contacted the reporter and got an answer. He continues it was wrong then and wrong now and it would have violated the Middletown policy and the Mayor holds his directors to a high standard.

Acting Chief McMahon discusses comments by President Obama's reaching out to the Eagles Coach on giving Michael Vick a second chance. I am

offended when you say I am a lawbreaker. We can disagree on what it means to be a resident.

Motion to Recess

The Chair states a recess has been requested and declares it at 9:23 p.m.; he asks them to return in seven minutes.

Meeting Reconvenes

The Chair calls the meeting to order and asks everyone to take their seats at 9:39 p.m.

The Chair recognizes Councilwoman Kleckowski. She moves agenda item 7-1 for approval. Councilman Pessina seconds the motion.

Councilwoman Kleckowski thanks everyone for coming out and coming forward and thanks Acting Chief McMahon showing your dedication not only to policing but the community. She thanks Acting Deputy Chief Sneed as well. She states I look forward to my colleagues voting in the affirmative.

Councilman Streeto states he will not be as brief. He will spend his time addressing the legal concerns and he looked at in detail. We agree that case law is not a way to go. The Supreme Court is the arbiter to set the parameters for interpreting a Charter provision one that suggests the Mayor appoints and the Council confirms and the Supreme Court has made a decision on that. To that you look at the way the provision has been interpreted by the authority that utilizes it. In terms of the words "advise and consent" and confirm, they have been used interchangeably by the Supreme Court and the Legislature. He names the sources including Attorney Blumenthal's opinion. From that perspective, the term confirm means advise and consent. He has a leg up on Attorney Lynch and he visited the Russell Library's Middletown Room and it has several old charters and the original appointing power in 1920 was the Council. With a strong Mayor form of government, the Mayor acts with the consent of the Council and the confirm was a replacement in the early 1990s and interestingly the Council adopted it with a consent calendar. Silence can be important in interpreting a law and it is absurd that the body would sit with its hands folded to enact without debate; that would eliminate any discretion in a major decision. In 1992, it came hard on the heels of Seb Garafola appointing himself as the Tax Collector. He was a fine Tax Collector and a dedicated Council member. It is absurd to suggest the Council would circumscribe its own powers and more over, I find myself in disagreement with Attorney Lynch. By that point in time, we are not dealing with a hold over of 1825. Why would the Council and Charter Revision make the Council determine if the candidates are qualified. We had various departments in 1992 and more competent people to do that. The policy is designed to offer a check on the untrammelled authority of an unchecked Mayor. As mentioned and you look at cases (he names one from Waterbury) and they have looked at the practice of a government body that its parameters and interpretation of the Charter provision, we have a good deal of information. Regarding several past confirmation hearings and parameters of inquiries and the first is the one Councilman Daley referenced with the rejection of Robert Bourne. To answer Councilman Daley, the minutes did find that Mr. Bourne was qualified and under the reasoning articulated this evening, Mr. Bourne should have been confirmed. Stephen Gionfriddo was an attorney and involved and he speaks against it that people view it as political even though he had the qualifications. He thought the Council had a broader role. During the questions, there were questions about the process and the ranking and timing of it. Councilman Daley was sitting at the time and he interviewed the Personnel Director about an exam and grades. During the debate itself Joseph Milardo was minority leader and noted that public perception is important and Councilman Shapiro spoke highly of him, but spoke against the appointment, of Charter change and the public. Most voted against the candidate on the process, just as we have tonight. He discusses the appointment of Ed Brymer and Councilman Serra speaks against it based on residency. You have a lengthy section to questions to directors on the contract. They showed concern about the salary, use of a car and other benefits and they are not qualifications and in point of fact Stephen Gionfriddo led the questioning followed by Councilman Shapiro, Patnaude and Roberts and it takes many pages in the minutes and it shows it was a contentious process. We did a nation wide search and former Chief Brymer scored first on that. Mr. Gionfriddo votes nay on the contract even though Brymer was qualified and all four Republicans voted against the candidate from the assessment center based on nationwide search and it has nothing to do with qualifications and only with Republicans concerned about the process. On July 1, 2007, we have Bill Russo as candidate for Director for Public Works and he reads comments about Bill's appointment and there were questions on benefits and it is consistent with previous minutes he referenced and Councilman Patnaude's questions were not different and that they did look at the performance issue while in the acting positions. He references Ms. Milardo's confirmation and one member of the public who

spoke and noted there were more qualified people and they were not offered the position and addresses many remarks about the process and to some degree echoed by former Mayor Michael Cubeta, but it is about fairness appointing the Mayor's aide and it took 2 ó 3 pages so it means it lasted hours. Councilman Bibisi asks if the process was compromised and it means it was a subject to discuss then and now. Councilman Roberts had strong feelings and would not support the candidate because of the process. The one last one he wanted to note is questions to Mr. Oliver about his philosophy and where the department is going and how many people he would hire and they don't have anything to do with his qualifications and that is where the Council's role is. Quite simply it makes common sense as well. We are a free flowing body to take many factors into account and offer our advice and consent and we should exercise this prerogative and discretion and treat this appointment as we have exercised it for many years. He agrees subjectivity should not be involved and in this instance he has three issues. Residency should not be an issue; a waiver should have been brought forward. I am a transplant and this should not be a deal killer. I have questions of the process and information was not provided. There are innuendo and rumor and I can't discount it. I have reservations about the budget issues that Councilwoman Kasper will talk about. The final point is the one Mr. Smith brought up and Mr. Devoto and my issue to the Acting Chief is not that he is not deferential to the Council, but too deferential to the Mayor; and the use of the police in a political struggle, I find frightening. I am a criminal defense attorney and looked at criminal trespass and such a charge could not pass muster. That distresses me that such a threat is made to citizens and I would have rather he barked at the Mayor to stop using his department to win a political struggle. I am voting against confirmation.

Councilman Daley states he wants to address comments to what is the role of the Council. I think and the one thing I liked about Attorney Lynch's comments is that his interpretation is that the Council acts as a check on the Mayor. I agree that it is important to preserve a system of checks and balances. That is what our system of government is about. A government should not be run by one individual or one party and the history of appointments given by Councilman Streeter, it has not happened despite the accusations made that it is political and we vote in lock step. I vote on how I feel and no one tells me how to vote and that is true for the rest of the members of the Council. I think Attorney Lynch's implication that we had to be restricted to look at the training requirements and qualifications and if they met the qualifications we had to vote for it, is absurd. As a former police chief to be nominated by this Mayor or any other, he or she would meet the paper qualifications, but we are not supposed to look at the performance and circumstances on how he left his last position and I am using those ideas in general. To say there is no discretion makes no sense to me to confirm the Mayor's appointment. I do want to say I will not support the appointment. It doesn't mean that I don't feel that he doesn't have good qualities or hasn't done good things; I think he has and it is a credit to him. His involvement is laudable and he has tried to put forth some ideas whether we agree or disagree. I have to weigh the positive and what I consider the shortcomings or negative aspects in the best interests of the City of Middletown. Those are the people I have the responsibility to, to be fair and objective. When I look at it there are three key reasons and I went through these back in October. The first, in my opinion, even though he is an active member of the community, but in my opinion, I am not convinced he has complied with the residency requirement which is the law of the City. The second is his employment history and I have been consistent since 2007 and his record in Groton. The third is his performance as Deputy Chief and Acting Chief in Middletown and in my opinion it has been mixed; there are good things and there are things I take exception to. The occupation of the Board of Education office which cost us \$11,000 and no basis to do it. The implementation of the experimental shift; the Council sent its sentiment about it and I don't know why it couldn't wait until it ran its course in arbitration. The issue of acting sergeants and exceeding what I feel is budgetary authority. It is in my opinion a mixed record and for those three reasons I can't support the appointment.

Councilman Bauer is recognized by the Chair and requests that the vote be a roll call vote.

Councilman Pessina states let's clear it up; in 1995 before the election, it was voted down because it had the perception of a political appointment. Thornton decided not to have a national search and to have a local search where Brymer became the candidate. I have been hearing about contract and benefit packages; that was then. It is now. Councilman Daley talked about issues he had about the actions of the Chief. I sit on Public Safety and not once did any type of complaint come before us to look at the actions or inactions of the Police. You are supposed to give notice that he has done something wrong and not on the night of confirmation. This is outrageous

that these comments are made tonight. The majority always softens it and you have to give me some subjectivity. He lives, votes here and pays taxes. He is an integral part. I don't even know how they can mask these allegations. Every time the majority leader and Councilman Loffredo and Councilman Santangelo sit on it and every time they have asked this Chief to get something done, he did it and above. He never argues. We were very happy with the redistricting. He was so pleased with what he did to the fact it became a road map on how we support more additional police officers to get this done and provide more police on the street and districts. He has done everything. It is a sad day for Middletown when the most important position when we have a qualified candidate who is strong ethically and responds to Councilman Daley's numerous e-mails and opens it up and allows it to come forward, other than Deb Milardo's confirmation, this has been the most politicized confirmation from the Council's point of view. I said this before. I have been in the business for 39 years and know a lot of police professionals and Pat McMahon is one of those individuals. Middletown gets seven applications and do you think anyone in their right mind will come forward here to be police chief. I feel sorry for neighborhoods and members of the Police Department. We heard a lot of comments today and in October. He leads the Department and is involved in the neighborhood and is a strong conduit for law enforcement in Middletown and it looks like we are not going to confirm it. The majority can mask it anyway they want and if they don't know this candidate now, I don't know that any candidate could have provided more. The argument on the process, he has seen them miniscule to major. They are all over the road map. If the vote goes down we are doing an injustice to the City of Middletown. Where are you going to find a candidate to be as vetted as Pat McMahon. He has put himself right on the line. There were a lot of appointments made here that was not half of the process of this. Because it was a democratic mayor, there was no problem and the past minority members decided to not vote for the appointment it was for good reasons. On an outgoing Mayor and election night, they stood their ground and voted the right way. I hope if another candidate comes forward, they get the same grilling and same process and we have an individual that can work with the committee, community and individuals in the City. He thanks Acting Chief McMahon for his leadership.

Councilman Faulkner thanks the Acting Chief for his time. We didn't go through all the issues on his mind and hopes they can speak again. It is unfortunate that this came around so fast because some of the things I have issues with, there is no time to get them done. I have told the Acting Chief part of his issue is Middletown is we have some of the big city issues and it is important for him to set the tone and culture for the department. Some of the activities we witnessed, I am not sure that is the case and it has been cited the Board of Education issues and the food issues. They caused us legal and fiscal issues, but the cultural thing I keep coming back to it, I don't want us to kick ourselves into a police or militaristic culture here and it will up the anti in the community. I am not going to abstain but I am not going to support the candidate at this time. The only issue about the process was some things that happened early on that sabotaged it from the beginning and left doubt in my mind. I do get comments from the community that are not supportive and there are citizens that are afraid to come out and speak on it and I encouraged them to do so.

Councilman Klattenberg states the latitude is broader than what was described to us from comments made by the Personnel Director. The process maybe or should not be brought up, but the process, two candidates were ranked higher than this one. Does he meet the qualifications, does he meet the bar, you can't be deputy chief without meeting the first bar, but for chief we may have been looking for someone higher up. Councilman Pessina states because we received information it should lower our concerns, but some information raised more concerns. His personality from his former colleagues talks about a fiery personality and that there are other issues raised. I am sure the Deputy Chief has a reasonable explanation of why they were on the paper. Mr. Devoto raised an issue about his action and others from the public have raised the issue as well that he approaches the public in an aggressive loud style and he explains that it is his personality, but you can't put numbers on these concerns. You can't weigh one against the other and the balancing act leads to one simple answer and all I can say in my opinion is the Deputy Chief is doing a fine job, but is he the right person for the Chief and my answer is no. There may be other candidates that meet the needs. I think the vetting process was more than adequate and I come from the corporate world and some times it happened to me when you know you are qualified and someone else got the job. I believe with the history of our department, I think we should look for other candidates.

Councilman Loffredo had the opportunity to interview the Deputy Chief three times and I did not find it advisable to hire him as the Deputy Chief and the Council did appoint him to Deputy Chief and a vacancy occurred in the position of the Chief and he was appointed as Acting Chief and came before us a month or so ago and I was part of that process and at the conclusion of that process thought he did not have the qualifications for the job and I voted not to confirm him for the position of Chief and a month later and again, those of us on Personnel Review had an opportunity to have further inquiries for the person nominated as Chief and what most concerned me was the residency issue. When we started to interview the candidate when it was Deputy Chief he knew he had to fully move into the community, he asked for an extension and said he would attempt to comply and move into Middletown. He attempted to comply to a degree, but not completely. He has the community involved because he is here more. His former background raised concerns for the Councilman and raised questions regarding the qualifications of the candidate, but the most recent concern was the midstream bargaining that occurred and that was over the top and we can agree and disagree and the direction that was taken was not appropriate and the Council voted it down and most recently since the last confirmation we now have the experimental shift. Clearly, from my perspective to bypass the process. I have been a strong proponent to increase the number of patrol officers in the City and it is counter intuitive to do it and come up with a sweetheart deal to go to a four two shift and we are paying good taxpaying dollars for less service and I find it very upsetting. They are working less and we are paying them the same amount and in exchange for that we would get xyz and I never saw the xyz to move in that direction. Anyone doing any basic fundamental preparation would be in touch with folks doing negotiations and when I ask about these things, they look at me as though I have two heads. If you inquire further, East Hartford is attempting to reverse back from their new schedule. When you negotiate contract changes, and you are reducing the work being done, we have 100 employees working 17 days less and we are paying them the same amount for the 17 days less they won't work. The roles various people played and the role the Acting Chief plays, one of the clear implicit terms of employment is, negotiates the contract for management, that is troubling for me that the future Chief, in terms of what I have seen in that skill, is not well. I asked during a vetting process, I asked him the percentage of his budget controlled by contractual obligation. 81% is controlled by the contractual relationship. I don't negate that Union employees would like more time off, but how it came about and I have said it in the past with secret negotiations, I was astounded when I realized how it came together and that the Council had gone to arbitration and spent \$200,000 for the Police contract and it was explicit that the discussions on various things, the work schedule would not be subject to midstream bargaining, but somehow through settlements on minor prohibitive practices, the parties, the Mayor entered into the agreement and it is brought to us and we voted it down and while in arbitration, there will be an experimental shift. Our role of fiduciary responsibility, this is inappropriate. We have this question and answer to the nominee regarding his role and being creative is okay and sometimes my creativeness has been out of order. Clearly in terms of creating positions, the issue of acting sergeants came up. We agreed to it and we voted money for it. I had the opportunity during my tenure here with the Acting Chief we have agreed to disagree absolutely; has he been a gentleman absolutely. It doesn't mean because I speak loudly and strongly, it doesn't make me right and because of these issues I cannot vote for his confirmation.

Councilman Serra states the process was bizarre. I agree with the comments made. His concerns on the Board of Education, coaches, 4/2 shift and the sergeants. I agree that SROs are good. Regarding the districts, we tried to do it four or five years ago; it did get done. Residency is important. You need to know your product, the City and the citizens of Middletown. In order to do that, you should be here so that not unlike the Council and Mayor when we go anywhere we get tons of opinions, both negative and positive and it helps me make decisions on the Council floor, no different than when I was a teacher, vice principal, and principal at Vinal. That is my definition of being here so one can apply their expertise by knowing the personality of the community, the whole community. I am on record how I feel about this and I agree to the comments made and can't support it as well.

Councilman Santangelo states he has been on the Council for 18 years and Public Safety for 17 years. When an issue comes up to vote, people approach me and ask me about things. He has had numerous people call and come up to me. It is really a phenomenon and asking him to not vote for him as Chief. Recently in a restaurant, he had a citizen say vote for him, but outside, two others stopped him and said don't vote for him. He doesn't know why he is receiving the phone calls and e-mails and people are approaching him. Councilman Pessina talked about Public Safety; two meetings ago, I had to intervene between the Acting Chief and him. Acting

Chief McMahon has barked at him. He discusses this past Memorial Day, the Acting Chief didn't want me to attend the high school graduation but attend Public Safety. He stated I shouldn't go to graduation unless I had a relative graduating. I don't know why he thought I shouldn't go the graduation. I do know what I am hearing and the voice of the people are saying about the direction the vote is going. The Democrats have been accused of not listening; we do and we do vote independently. Hearing the message I have heard, it is almost an obligation for me to vote. It is what I have heard repeatedly. It is about a 20 to one ratio and I will express the voice of the people. I will vote no tonight.

Councilwoman Kasper will not support this confirmation; her concerns were the police at the Board of Education office and what it cost the taxpayers. The taxpayers haven't gotten raises over the past two years. It was unnecessary. The 4/2 shift was voted down and it was brought back anyway. The lifting of the lock down at Bielefied School with the subject arrested on the school grounds. The budget was overspent last year and for those reasons I will not vote to approve the appointment.

Councilwoman Kleckowski states she wants to add that the 4/2 shift there has been no overtime during the holiday and it is this Council with the exception of myself that voted him in. When someone is in as Deputy, they have the same skills as the Director. If we have someone working for the City and the people, why is it the performance is subjective and now the assessment center was wrong. The Council did want to hire an assessment center that wanted to recuse themselves. I want you to think about the Chief and you have said he is active and a gentlemen and not shown deference to anyone. When folks hired him as Deputy, they are qualified to be Chief. There was no overtime for the 4/2 shift.

Councilwoman Kasper responds she would like to clarify the comment there was no additional costs for the experimental shift. She spoke to the Finance Director and he said it was too soon to make the determination that there was not any cost for that and there was a \$10,000 transfer from the replacement line to Holiday on Main Street when last year it only cost \$325 for Holiday on Main Street. I am thinking the 4/2 shift caused the transfer.

Councilman Streeto would like to clarify, for the record, I was not here when Deputy Chief McMahon was confirmed; I was booted off during the last administration including your administrative aide who was involved. I have quoted from the minutes and it is appropriate to evaluate from their experience.

The Chair, hearing no further comments, calls for the vote by roll call:

Councilman Bauer	Aye
Councilman Bibisi	Aye
Councilman Daley	Nay
Councilman Faulker	Nay
Councilwoman Kasper	Nay
Councilman Klattenberg	Nay
Councilwoman Kleckowski	Aye
Councilman Loffredo	Nay
Councilman Pessina	Yes
Councilman Santangelo	Nay
Councilman Serra	Nay
Councilman Streeto	Nay

The Chair states the matter is defeated with four affirmative votes and eight negative votes.

Resolution No.
File Name
Description

03-11
pemcmahonconfirmation.doc
Approving confirming the appointment of Patrick McMahon as Chief of Police and approving salary at Grade 21, Nonbargaining, Step 6, \$53.43 per hour and that Article 25 Pensions, Section 1 (f), (g), and (h) as in the Agreement between the City of Middletown and Police Local #1361 is applicable to this position.

(Defeated)

Be it resolved by the Common Council of the City of Middletown:

That, Patrick McMahon be confirmed in the position of Chief of Police Salary Grade 21 Non Bargaining Step 6 \$54.43 (resume attached) and;

That, Article 25 Pensions, applicable Section 1 (f), (g), and (h) (attached) of the Agreement between the City of Middletown and Police Local #1361 be included. This provision provides for a disability relating to an on the job injury resulting in an ability to perform duties of a police officer.

Agenda Item

Description

8

Appropriation Requests

The Chair asks the Council Clerk to read the appropriation and bond ordinance requests and the Certificate of the Director of Finance:

Appropriation Requests

Notice is hereby given that a regular meeting of the Common Council of the City of Middletown will be held in the Council Chamber of the Municipal Building on **Monday, January 3, 2011 at 7:00 p.m.** to conduct a public hearing, consider and act upon the following:

- Personnel Dept. \$50,000, Account No. 1000-17000-55135, Arbitration Services, General Fund.
- Planning, Conservation \$20,000, Account No. 1000-27000-59218, Portland Street And Development Demo, General Fund.

Any and all persons interested may appear and be heard.

ATTEST:
SEBASTIAN N. GIULIANO
Mayor

ITEM FOR AGENDA OF MEETING OF COMMON COUNCIL
HELD ON DECEMBER 9, 2010

Public Hearing, Bond Ordinance to be considered by the public on December 9, 2010, and acted upon by the Council on January 3, 2011:

1. AN ORDINANCE APPROPRIATING \$700,000 FOR THE WATER WELLFIELD SHORELINE PROTECTION PROJECT AND AUTHORIZING THE ISSUE OF \$700,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Certification of Funds

To: His Honor Mayor Sebastian N. Giuliano
and Members of the Common Council
From: Finance
Date: December 329 2010
RE: Certification of Funds

This is to certify that funds for the appropriations requested at your meeting of January 3, 2011 are available as follows:

- General Fund \$70,000
- Water Wellfield Shoreline \$700,000
Protection Project
Ordinance Bond Issue

Respectfully submitted,
Carl Erlacher
Director of Finance

Agenda Item

Description

8

Appropriation Requests

Personnel Department

\$50,000

Councilman Serra reads the \$50,000 appropriation request for the Personnel Department and moves it for approval; his motion is seconded by Councilman Streeto. The vote is called and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously

Personnel Dept. \$50,000, Account No. 1000-17000-55135, Arbitration Services, General Fund.

(Approved)

Planning, Conservation and Development

\$20,000

Councilman Daley reads and moves for approval the Planning, Conservation, and Development appropriation request for \$20,000 for Portland Street. Councilman Santangelo seconds the motion. Councilman Daley states to answer questions raised on this item, this \$20,000 is to supplement funding for block grants because the total cost is around \$80,000 and it is being done because we have tried and there are notices sent out to nonprofit groups and Habitat for Humanity was approached and there may be a neighbor interested but only with one property and he would be interested in acquiring

the land if both are demolished. They are hazards and a nuisance to the community. Councilman Bibisi stresses the importance of dealing with these properties. If we don't have an interested party to acquire the properties to deal with the issues then we have no choice but to demolish for safety reasons. There has been a significant amount of funds lost on water and sewer bills and taxes. He urges support of the project. Councilman Bauer states he has an impeccable track record and Bill has done everything he could to find an alternative and I hold him harmless and we are down to a single alternative. I am not happy about it, but this is what it has come to. I am heartened to hear we will continue to try to recoup as much as we can. I do support the appropriation. Councilman Pessina states originally I wasn't going to support this but after speaking with Director Warner, I was coming from the idea there is a need for low income housing and he did contact Habitat for Humanity and Broadpark and they were not interested and sometimes you have to say adios and we may recoup some of the loses. We shouldn't let this happen again; when landlords don't take care of properties we have to aggressively go after them and prevent this from happening again. Councilman Bibisi states we did go after them aggressively when foreclosure came through. It took us a while to go through it; it took six months. As soon as we get the dollars we will rectify it. The Chair states there were no bidders at foreclosure. Councilman Daley states the opening bid was \$37,000 and there were no takers. What Bill has done is reach out to every non profit housing organization and no one is interested. The Chair states the City has tried to do everything it could. Seeing no further discussion, the Chair calls the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter is adopted unanimously.

Planning, Conservation **\$20,000, Account No. 1000-27000-59218, Portland Street And**
(Approved) **Development Demo, General Fund.**

Water Department **Bond Ordinance, \$700,000**

Councilman Streeto reads the Bond Ordinance for the Water Wellfield Shore line Protection Project for \$700,000 through section one of the ordinance.

Noted for the Record Councilman Bibisi has left the Council Chamber at 11:08 p.m.

Motion to Waive Rules Councilman Klattenberg moves to waive the rules to waive the reading of the rest of the ordinance; Councilwoman Kasper seconds the motion. The Chair calls for the vote on the motion to waive the rules to waive the reading. It is ten aye votes by Council Members Serra, Loffredo, Klattenberg, Pessina, Daley, Santangelo, Kasper, Streeto, Faulkner, and Kleckowski and one nay vote by Councilman Bauer.

Councilman Streeto moves the ordinance for approval and Councilwoman Kasper seconds the motion. The Chair calls for the vote by roll call:

Noted for the Record Councilman Bibisi takes his seat at 11:10 p.m.

The Chair calls the roll:

- | | |
|-------------------------|-----|
| Councilman Bauer | Aye |
| Councilman Bibisi | Aye |
| Councilman Daley | Aye |
| Councilman Faulkner | Aye |
| Councilwoman Kasper | Aye |
| Councilman Klattenberg | Aye |
| Councilwoman Kleckowski | Aye |
| Councilman Loffredo | Aye |
| Councilman Pessina | Aye |
| Councilman Santangelo | Aye |
| Councilman Serra | Aye |
| Councilman Streeto | Aye |

The Chair states the matter passes unanimously with twelve affirmative votes, no negative votes and no abstentions.

Ordinance No.	01-11
File Name	water\$700000bondordinance.docx
Description	Approving an ordinance appropriating \$700,000 for the Water Wellfield Shoreline protection Project and Authorizing the issue of \$700,000 bonds of the City to meet said appropriation and pending the issuance thereof the making of temporary borrowings for such purpose.

(Approved)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:

Section 1. The sum of \$700,000 is appropriated for the City's share of the water well field shoreline protection project (the "Project"). The Project shall consist of improvements necessary to restore eroded shoreline, prevent further erosion, maintain appropriate buffer between the Connecticut River's high water mark and the City's water well field, and include but not be limited to turf reinforcement mats, articulated concrete blocks, rip rap, fish habitat structures, excavation, landscaping and reconfiguration, sediment booms, aesthetic improvements consultant services, administrative, printing, legal, and financing costs related thereto. The Project shall be implemented by the U.S. Army Corps of Engineers (the "Corps") and the City shall pay to it such amount for its share of the Project cost as determined by the Corps and the City. The Mayor is authorized to enter into contracts and take such action as necessary to implement and complete the Project.

Section 2. The expected useful life of the project is twenty years. The total estimated cost of the project is \$700,000, no portion of which is expected to be paid from sources other than the proposed bond issue. The project is a single improvement constituting a general benefit to the City of Middletown and its general governmental purposes.

Section 3. To meet said appropriation \$700,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the twentieth year after their date, or such later date as may be allowed by law. The bonds may be issued in one or more series as shall be determined by the Mayor and the City Treasurer, and the amount of bonds of each series to be issued shall be fixed by the Mayor and the City Treasurer, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the City and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor and the City Treasurer, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor and the City Treasurer, and be approved as to their legality by Bond Counsel. They shall bear such rate or rates of interest as shall be determined by the Mayor and the City Treasurer. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds, annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the Mayor and the City Treasurer in accordance with the requirements of the General Statutes of Connecticut, as amended.

Section 4. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Common Council. In order to meet the capital cash flow expenditure needs of the City, the Mayor and City Treasurer are authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and Project herein authorized.

Section 5. Said bonds shall be sold by the Mayor and City Treasurer in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, or comparable method. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation the purchase contract shall be approved by the Mayor and City Treasurer. With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Mayor and City Treasurer are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount so applied.

Section 6. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law as shown by the "Debt Statement" attached hereto.

Section 7. The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the improvements authorized herein and the financing thereof.

Section 8. The Mayor and the City Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the Mayor and the City Treasurer, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the Mayor and the City Treasurer, be certified by a bank or trust company designated by the Mayor and the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended, and be approved as to their legality by Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 9. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 10. The Director of Finance is hereby authorized to exercise all powers conferred by Section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 11. It is hereby found and determined that the issue of all, or a portion of, the Bonds, Notes or other obligations of the City authorized to be issued herein as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation, is in the public interest. The Mayor and City Treasurer are hereby authorized to issue and utilize without further approval any financing alternative available to municipal governments pursuant to HR1, iMaking Supplemental Appropriations for Job Preservation and Creation, Infrastructure Investment, Energy Efficiency and Science, Assistance to the Unemployed, and State and Local Fiscal Stabilization, for the Fiscal Year Ending September 30, 2009, and for other purposes (the iAmerican Recovery and Reinvestment Act of 2009i), including but not limited to any itax credit bond,i or iBuild America Bondsi including Direct Payment and Tax Credit Versions.

DEBT STATEMENT
September 28, 2010
CITY OF MIDDLETOWN, CONNECTICUT

ANNUAL RECEIPTS FROM TAXATION AND REIMBURSEMENTS ("BASE")	
Fiscal Year Ended June 30, 2009	99,756,396
BORROWING CAPACITY FOR EACH CLASS	
2-1/4 times base for General Purposes	224,451,891
4-1/2 times base for Schools	448,903,782
3-3/4 times base for Sewers	374,086,485
3-1/4 times base for Urban Renewal	324,208,287
3 times base for Unfunded Past Benefit Obligations	299,269,188
MAXIMUM AGGREGATE BORROWING CAPACITY	698,294,772
7 times Base	
INDEBTEDNESS BONDS AND NOTES:	
GENERAL PURPOSES	23,438,550
SCHOOLS	33,197,472
SEWERS	4,904,703
URBAN RENEWAL	-
UNFUNDED PAST BENEFIT OBLIGATIONS	-
BONDS AND NOTES AUTHORIZED BUT UNISSUED:	

GENERAL PURPOSES	20,739,741	
SCHOOLS	173,547	
SEWERS	8,672,755	
URBAN RENEWAL	-	
UNFUNDED PAST BENEFIT OBLIGATIONS	-	
CLEAN WATER FUND LOANS:		
SEWERS	7,839,902	
SUB-TOTAL INDEBTEDNESS	98,966,670	
LESS		
FEDERAL AND STATE OF CONNECTICUT		
BUILDING GRANTS, COMMITMENTS AND		
RECEIVABLES		
GENERAL PURPOSE	500,000	
SCHOOLS	538,808	
SEWERS	-	
URBAL RENEWAL	-	
TOTAL DEDUCTIONS	1,038,808	
NET INDEBTEDNESS		97,927,862
TOTAL DEDUCTIONS		
BALANCE OF BORROWING CAPACITY FOR		
EACH CLASS:		
GENERAL PURPOSE	180,273,600	
SCHOOLS	416,071,571	
SEWERS	352,669,125	
URBAL RENEWAL	324,208,287	
UNFUNDED PAST BENEFIT OBLIGATIONS	299,269,188	
BALANCE OF MAXIMUM AGGREGATE BORROWING		
CAPACITY AVAILABLE		600,366,910

Agenda Item	9
Description	Old Business

Resolution No. 152-10

Councilman Daley moves to postpone item 9 indefinitely; Councilwoman Kasper seconds the motion. The Chair calls for the vote and it is unanimous to approve the motion to postpone with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.	04-11
File Name	pk amendinglocipapppkgstudymelillisite.doc
Description	Authorizing the Mayor to submit an amended Resolution to OPM to redirect \$120,000 in LoCIP funds for the engineering design for a new parking garage on Melilli Plaza.
(Postponed Indefinitely)	<p>WHEREAS, in August 2008, Resolution #154-08 approved the Parking and Traffic Study for the Central Business District prepared by VHB, Inc.; authorized the preparation of a government reorganization study to understand the merits of creating a standalone Parking Department to manage Central Business District Parking; authorized the merger of the Melilli Plaza Parking lot and the City Hall Employee Parking lot; and authorized the Mayor to sign an application for LOCIP funds for an engineering design for a new parking garage and parking deck on the site of the Riverview Parking arcade; and</p> <p>WHEREAS, the Parking and Traffic Study for the Central Business Bureau prepared by VHB was approved; and</p> <p>WHEREAS, the stand alone Parking Department has been formed and a new Parking Director has been hired to manage Central Business Parking; and</p> <p>WHEREAS, the new Parking Director has reviewed the parking study and based on the physical facts of the downtown business district, recommends the site for the new garage be reconsidered and changed from the Riverview Parking Arcade to the Melilli site; and</p> <p>WHEREAS, at the August 9, 2010 meeting of the Economic Development Committee (EDC) the Committee voted to move this resolution to the September meeting of the Common Council.</p> <p>NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Mayor Sebastian N. Giuliano is hereby authorized to submit an amended Resolution to the State Office of Policy & Management to redirect the \$120,000 LOCIP funds for the engineering design for a new parking garage on the Melilli site.</p>

Agenda Item	8
Description	Department, Committee, Commission Reports and Grant Approvals

Councilman Serra reads and moves for approval 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, and 10I; Councilman Streeto seconds the motion. The Chair calls for the vote. It is eleven aye votes to approve by Council Members Serra, Loffredo, Klattenberg, Pessina, Daley, Bibisi, Santangelo, Kasper, Streeto, Faulkner, and Kleckowski and one nay vote by Councilman

Bauer. The Chair states all are adopted and accepted with eleven in favor and one against and no abstentions

Councilman Loffredo wanted to comment on the work that was done for the Fire Service Cost Committee Report and our recommendations. I would hope going forward people would look at the report and recommendations. There is money left on the table regarding PILOT and we need to look at this with our legislative . He thanks all his colleagues who participated Councilman Bibisi, representatives from South Fire, William Gregorio and Joseph Sarcia, Representatives from Westfield Ross Andrew and Linda DeManche and commend the time and effort by Chief Ouellette and Deputy Kronenberger and special commendation to the Marie Norwood who took minutes and prepared reports and got documents together for the report. He hopes it will bear fruit for the City.

Councilman Klattenberg wanted to tell Councilman Loffredo that this report is excellent. You get so much information in the report. If you didn't read it, it tells a great story about our fire departments and it is important the recommendations not die in the report. I see some of the recommendations falling under reorganization and will take it under Finance and Government Operations to look at some of the recommendations so we don't lose sight of what is possible.

Councilman Bauer inquires how this report is being disseminated. The Chair states it could go on City website. Councilman Bauer states if it is put in file form we can encourage the district websites to put it up. Councilman Santangelo commends Councilman Loffredo for his idea to do this to look at cost savings and expansion of services. We talk about many things in Public Safety and having a foundation and knowledge of what they do and how they work is useful. Councilman Serra congratulates Councilman Loffredo as well, and one in particular and that is the PILOT funds. That has been an irksome part of this. We should be getting our fair share. Great job.

The Chair states we don't get full PILOT on the stuff we already have. The Chair calls for vote. It is unanimous to accept and approve the grants with twelve aye votes. The Chair states reports have been accepted and approvals for the grants are unanimous.

**Agenda Item
Description
(Approved)**

**10A
Town Clerk Certification
January 3, 2011**

I, Sandra Russo Driska, City and Town Clerk of the City of Middletown, and custodian of the records and seal thereof, hereby certify that all ordinances and appropriations passed and adopted at the regular meeting of the Common Council on December 6, 2010 at 7:00 p.m. and specials meetings on November 30, 2010 at 7 p.m., December 6, 2010 at 6:00 p.m., December 9, 2010 at 6 p.m. and December 9, 2010 at 7 p.m., have been advertised in the local newspaper.

Attest:
Sandra Russo Driska
City & Town Clerk

**Agenda Item
Description
(Accepted)**

**10B
Monthly Reports
Finance Department – Transfer Report to November 29, 2010
Public Works Monthly Report with summary Bldg Permits for October, 2010**

**Agenda Item
Description**

**10C
Grant Confirmation and Approval – Board of Education, Various Grants (Approved)**
Name of Grant: As Listed Below
Amount Requested: \$750,958.32
Code: 2450-33000-59405
Grant Period: **From:** 7/1/2010 **To:** 6/30/2010
Type of
Amount Loaned from General Fund: \$0.00
Department Administering Grant: Middletown Board of Education
When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.
Description of services to be provided by this Grant: 771 - School-Family-Community Partnerships \$2,500; 790 - Liberty Bank-College/Career Awareness \$7,300; 841 - Special Ed Medicaid \$32,256.25; 846 - United Way Discovery-Chris Fahey \$17,486; 847 - School

Readiness \$86,667; 860 - Youth Services Initiative \$178,918; 867 - Title III Part A-English Language Acquisition \$15,333; 876 - Hartford Symphony \$3,105; 700 - Food Services Receipts \$115,775.11; 801 - Cigna Certified & Paras \$204,579.97; 803 - Workers' Compensation \$630.20; 804 - Preschool Program Fees \$2,846; 805 - Summer School Receipts \$85; 807 - Aetna Classified \$94.29; 809 - Maintenance/Rentals \$3,070; 833 - Adult Ed Receipts \$80,000; 893 - Fingerprinting Receipts \$192.50; 901 - Keigwin Parent Fees \$120 Total Special Programs Through 11/18/2010 \$9,808,806.31
ADDITIONS \$750,958.32 Total Special Programs Through 12/14/2010 \$10,559,764.63
Requested by: Michael J. Frechette, Ph.D.

Agenda Item
Description
(Approved)

**10D
Grant Confirmation and Approval – Planning, Conservation and Dev.
Business District Study**

Name of Grant: Downtown Business District Organizational Study
Amount Requested: \$10,000.00
Code: 3015-14000-52211
Grant Period: **From:** 1/15/2011 **To:** 10/31/2011
Type of State

Amount Loaned from General Fund: \$10,000.00

Department Administering Grant: Planning, Conservation and Development

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant: Middletown's Downtown Business District (DBD) was formally created as a special services taxing district in 2001. With an average annual budget of \$120,000, has been able to fund a part-time downtown manager, implement a downtown guides program, Main Street beautification and other programs for the benefit of the downtown, its businesses and visitors. After nine years, the DBD has become proficient in the limited activities it carries out. However the budget has remained flat for 9 years and has not been adequately leveraged to undertake new and exciting initiatives. This request is seeking to assist the DBD reassess the organization's future and better invest its resources for the maximum benefit of the downtown. The grant funds will be used to hire a consultant to review the organizational capacity, framework, leadership and funding strategy. This grant will also hire a consultant to develop a plan for increasing and sustaining the organizing, promotion and marketing of public events and arts programs

Requested by: William Warner

Agenda Item
Description
(Approved)

**10E
Grant Confirmation and Approval – City and Town Clerk
Historic Document Grant**

Name of Grant: City Historic Document Grant
Amount Requested: \$10,000.00
Code: 2390-04000-51220
Grant Period: **From:** 7/1/2010 **To:** 6/30/2011
Type of State

Amount Loaned from General Fund: \$0.00

Department Administering Grant: City and Town Clerk

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant: The grant will be used for part-time staffing salaries for the processing land records (during College Break).

Requested by: Sandra R. Driska

Agenda Item
Description
(Approved)

**10F
Grant Confirmation and Approval – Health Department - Donations**

Name of Grant: Health Gifts Donations (TLC)
Amount Requested: \$3,000.00
Code: 3070-31000-57030
Grant Period: **From:** 12/9/2010 **To:** 12/9/2011
Type of Local

Amount Loaned from General Fund: \$0.00

Department Administering Grant: Health Department

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and

said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant: move donation funds to expenditure for Teen Life Conference

Requested by: Joseph A. Havlicek, MD

**Agenda Item
Description
(Approved)**

**10G
MOU – Police Department**

**Agenda Item
Description
(Accepted)**

**10H
Fire Service Cost Committee Report**

**Agenda Item
Description
(Approved)**

**10I
Emergency Purchase – Emergency Management Building**

**Agenda Item
Description
(Approved)**

**11
Payment of City Bills**

Councilman Serra moves to pay all bills that have been properly approved. Councilwoman Kasper seconds the motion. The Chair calls for the vote. It is eleven aye votes by Council Members Serra, Loffredo, Klattenberg, Pessina, Daley, Bibisi, Santangelo, Kasper, Streeto, Faulkner, and Kleckowski and one nay vote by Councilman Bauer. The Chair states the matter passes with eleven affirmative votes, and one in opposition.

**Agenda Item
Description**

**12
Ordinances and Resolutions**

Agenda Item

12-1

Councilman Loffredo moves for approval agenda item 12-1 and his motion is seconded by Councilman Streeto. There is no discussion and the vote is called. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

**Resolution No.
File Name
Description

(Approved)**

**05-11
ccfireservicescostcomdischarge.doc
Approving the discharge of the Fire Service Cost Committee with the thanks of the Common Council for the completion of their charge and their report.**

Whereas, the Fire Service Cost Committee has completed its charge and has presented the Mayor and Council with its final report at the January, 2011 meeting; and

Whereas, the City appreciates the work of committee members William Gregorio, Joseph Sarcia, and Chief Edward Badamo from South Fire; Ross Andrew and Linda DeManche of Westfield Fire; and Middletown Fire Department Chief Gary Ouellette and Deputy Chief Robert Kronenberger.

Now, Therefore, Be it Resolved by the Common Council of the City of Middletown: That the Fire Service Cost Committee is discharged with the heart-felt thanks and gratitude of the Mayor and Council for its review of the Fire Services and possible cost savings to Middletown Residents

Agenda Item

12-2

Councilman Serra reads and moves for approval agenda item 12-2 and his motion is seconded by Councilman Streeto. Councilman Serra asks to address this item. He states this severity of economic times and back the last number of years, the leadership did not come forward with requested concessions so everyone received their raises and these seven individuals did not and it is a fairness issue that these seven did not receive a raise. I don't agree with raises at this time. These individuals volunteered to concessions. It is to be fair and the cost is \$34,820.

Motion to Amend

Councilman Loffredo states he has an amendment and reads: Be it further resolved: That after June 30, 2011, nonbargaining employee salaries,

benefits, terms and conditions of employment shall not be set by piggybacking on any Middletown Collective Bargaining Unit. Councilman Streeto seconds the motion.

Councilman Loffredo states one of the questions I had was for purposes of information, this agreement that addresses the current salaries of nonbargaining unit positions, unfortunately was being negotiated by some of these members creating a conflict of interest. At the time it was former City Attorney Solecki and the Finance Director and their raises should be done differently. Almost a year ago the Director of the Personnel Department was looking at addressing non bargaining unit members to set forth their terms and conditions of employment. Going forward it is appropriate that that step be taken. He asks they vote for the amendment.

Councilman Serra states he supports the amendment and the document is in first draft and we will deal with it.

The Chair, hearing no further discussion, calls for the vote on the amendment. It is unanimous to approve with twelve aye votes. The Chair states the amendment passes unanimously.

Motion to Postpone

Councilwoman Kleckowski states that we table this; I was going to approve it until I heard that all non union members have received a raise. She would like to postpone this to next month. Councilman Pessina seconds the motion. He states he wants to make sure we don't move too quickly if there are unions that have not received raises for a couple of years, I would feel more comfortable looking at the global affect. Councilman Daley states it is my understanding all bargaining units got raises and it may be confusing that there are discussions for next year. I have no problem supporting this to give it more time because I have mixed feelings on this. You want to avoid the salary depression on department heads with subordinates creeping up on them. At the same time, the public perception of a 4% increase is chilling. On the one hand it is a fairness issue and maintaining integrity of the compensation system. The average person out there is not getting 4%. I have no problem postponing. Councilman Streeto agrees with Councilman Daley to a degree. It is a fairness issue and anything done will be retroactive. It is worth checking out what the other situations are and Personnel could expand the scope of inquiry to come up with a solution if we are not going to piggy back them since the resolution states that.

The Chair calls for the vote on the motion to postpone to date certain to the February 7 meeting. It is eleven aye votes by Council Members Loffredo, Klattenberg, Pessina, Daley, Bibisi, Santangelo, Kasper, Streeto, Faulkner, Kleckowski, and Bauer and one nay vote by Councilman Serra. The Chair states the matter passes with eleven in favor, one in opposition, and no abstentions.

Resolution No.
File Name
Description

06-11
ccnonbarmmpa2010-11raise.doc
Approving the salary increase for nonbargaining unit members who piggyback MMPA.

(Amended and Postponed to February 7, 2011)

Whereas, the non-bargaining unit positions of Fire chief, Deputy Fire Chief, Director of Public Works, Acting City Attorney, Director of Finance, Director of Personnel, Deputy Director of Personnel, Acting Chief of Police, Executive Assistant to the Mayor and the Assistant to the Superintendent of Schools kept their insurance premium at 14% instead of 15% from July 1, 2010 to the present, instead of receiving a raise in salary; and

Whereas, these individuals have been given the salary and benefits as stated in the MMPA contract.

Now, Therefore, be it resolved by the Common Council of the City of Middletown: That from January 1, 2011 to June 30, 2011 these individuals will pay the 15% premium for their insurance benefits; and

Be It Further Resolved: That they be granted the salary increase (4%) as afforded to MMPA members from July 1, 2010 to June 30, minus the repayment of the 1% insurance premium payment that they did not pay from July 1, 2010 to January 3, 2011; and

Be It Further Resolved: That after June 30, 2011, nonbargaining employee salaries, benefits, terms and conditions of employment shall not be set by piggybacking on any Middletown Collective Bargaining Unit.

Financial Impact: The financial impact of the proposed resolution is \$34,812.

Agenda Item **12-3**

Councilman Loffredo reads and moves for approval agenda item 12-3 and his motion is seconded by Councilman Pessina. The Chair states the matter has been moved and seconded and asks if there is discussion. Seeing none indicated, the Chair calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.
File Name
Description

07-11**HR10nondiscriminationcerti.doc**

Approving the reaffirmation of its policy to support the non discrimination agreements and warranties under CT General Statutes subsection 4a-60 (a)(I) and subsection 4a-60a (a)(I) and that Mayor Sebastian N. Giuliano is authorized to sign the nondiscrimination certification for the State of Connecticut.

(Approved)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the City of Middletown hereby reaffirms its adoption as its policy to support the nondiscrimination agreements and warranties required under Connecticut General Statutes subsection 4a-60(a) (I) and subsection 4a-60a (a) (I), as amended in State of Connecticut Public Act 07-245 and sections 9(a) (I) and 10(a) (I) of Public Act 07-142.

BE IT FURTHER RESOLVED: That Mayor Sebastian N. Giuliano, Mayor of the City of Middletown, is hereby authorized to sign the nondiscrimination certification for the State of Connecticut

Agenda Item **12-4**

Councilman Faulkner reads and moves for approval agenda item 12-4 and his motion seconded by Councilman Streeto. The Chair states the matter has been moved and seconded and asks if there is discussion. Hearing no discussion, the vote is called. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.
File Name
Description

08-11**HR10D-CityPolicyStmts.doc**

Approving the Middletown Policy Statements for Affirmative Action and EEO, Sexual and Other Harassment, Zero Tolerance, Americans with Disabilities Act, and Electronic Monitoring with the documents to be distributed to all employees for review and sign-off

(Approved)

WHEREAS, the City has reviewed its policies and made revisions to its Affirmative Action and EEO, Sexual and Other Harassment, Zero Tolerance, American with Disabilities to comply with state General Statute changes, clarification, and compliance with state Executive Order 16 for violence in the workplace to said policies.

NOW THEREFORE Be it Resolved by the Common Council of the City of Middletown: That the Middletown Policy Statements for Affirmative Action and EEO, Sexual and Other Harassment, Zero Tolerance, Americans with Disabilities Act, and Electronic Monitoring be approved and adopted; and

Be it Further Resolved: That the documents are distributed to every Department for dissemination, review and sign off of employees.

Agenda Item **12-5**

Councilwoman Kasper reads and moves for approval agenda item 12-5; her motion is seconded by Councilman Pessina. There is no discussion and the Chair calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter is adopted unanimously with twelve affirmative votes and no abstentions.

Resolution No.
File Name
Description

09-11**pdconcreterepairs2011.docx**

Approving authorizing the Mayor to apply to the State of Connecticut for a LoCIP grant in the amount of \$11,500 for the repair of the Sidewalk and the disabled ramps near the Police Department; approving the creation of a new Capital Improvement line item entitled Concrete Repairs Police Department in the amount of \$11,500; and approving an \$11,500 loan from the general fund to the new line item with said loan to be repaid upon receipt of State Grant Funds

(Approved)

Be It Resolved By The Common Council of the City of Middletown: That Mayor Sebastian N. Giuliano be authorized to sign an application to the State of Connecticut for \$11,500 from the Local Capital Improvement Program (LoCIP) for the repair of the sidewalk and handicap ramps at the rear of the Middletown Police Department; and

Be It Further Resolved: That a loan from the General Fund in the amount of \$11,500 is hereby authorized and that said loan be paid from LoCIP grant receipts; and

Be It Further Resolved: That a new Capital Improvement line item, Police Department Concrete Repairs 2011, in the amount of \$11,500 be approved in the Capital Plan.

Financial Impact: The repair of the concrete walk and handicap ramps in the rear of the building will save the City money in repairs (patching) to the walkways. It also will reduce the chances of a trip and fall due to deteriorated concrete, thus reducing liability to the City.

Agenda Item **12-6**

This Item was removed at the beginning of the meeting

Agenda item **12-7**

Councilman Santangelo reads and moves for approval agenda item 12-7; his motion is seconded by Councilman Streeto. There is no discussion. The Chair calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.
File Name
Description

10-11
pdNCICRoom2011.doc
Approving authorizing the Mayor to apply to the State of Connecticut for a LoCIP grant in the amount of \$4,600 to create a new NCIC room at the Police Department; approving the creation of a new Capital Improvement line item entitled NCIC Room Police Department in the amount of \$4,600; and approving a \$4,600 loan from the general fund to the new line item with said loan to be repaid upon receipt of State grant funds.

(Approved)

Be It Resolved By The Common Council of the City of Middletown: That Mayor Sebastian N. Giuliano be authorized to sign an application to the State of Connecticut for \$4,600 from the Local Capital Improvement Program (LoCIP) for the creation of a separate NCIC room for the Middletown Police Department; and

Be It Further Resolved: That a loan from the General Fund in the amount of \$4,600 is hereby authorized and that said loan be paid from LoCIP grant receipts; and

Be It Further Resolved: That a new Capital Improvement line item, Police Department NCIC Room 2011, in the amount of \$4,600 be approved in the Capital Plan.

Financial Impact: The creation of a separate NCIC room has no long term financial impact to the City.

Agenda item **12-8**

Councilman Pessina reads and moves for approval agenda item 12-8; his motion is seconded by Councilman Streeto. Councilman Pessina states the event is September 10, 2011, at Union Park Councilman Pessina states he failed to put a financial impact on this and he spoke to the Fire Chief and it is approximately \$300 for inspection for tents; they hired one officer, and rental fee for the South Green is \$50. The approximate amount is \$1,200. In the resolution there is no waiver of the showmobile and Brenda Wilson asked that we waive the fees of the showmobile, but she would benefit by the waiving of the \$75 for the rental of the stage. It is \$1,500. There is no further discussion; the vote is called. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.
File Name
Description

11-11
ccAutismMusicFestival2011.doc
Approving co-sponsoring the 4th Annual Autism Music Festival Fundraiser to be held on September 10, 2011 at Union Park and Requesting departments to render assistance and support as may be needed to ensure the public health and safety of the participants.

(APPROVED)

Whereas, on September 10, 2011, the "City of Middletown 4th Annual Autism Music Festival Fundraiser", to benefit all children with on the autism spectrum, "In Honor of:

Ryan Woods", will be held in Middletown at Union Park on Main Street, from 11:00am to 4:00pm: and

Whereas, any proceeds generated from the event will be used to fund: parent support groups; advocacy and support; aggressive early intervention; that will ultimately help all Middlesex County families with children affected by this "mystery disability" called autism affecting 1 out of 71 children in the state of Connecticut and 1 in 99 in the United States of America: and

Whereas, the Common Council is of the opinion that such an event will be of benefit to the community including, but not limited to, humanistic, charitable, societal and other benefits.

Now, therefore, be it resolved by the Common Council of the City of Middletown: That the City of Middletown accepts the position of co-sponsor for the "City of Middletown 4th Annual Music Festival Fundraiser" and that the fee for the Showmobile, as outlined in Section 188-2 (C) of the Middletown Code of Ordinances not be waived; and

Be it further resolved: That the Council does request that Departments render all such assistance and support as may be required to ensure the public health and safety of the many participants and visitors of the event.

Financial Impact: The cost is estimated to be \$1,500 with rental of South Green, Rental for the Stage, tent inspection by the Fire Department and one Police Officer at the event.

Agenda Item
Description

13
Mayor's Appointments

The Chair states he has appointments to announce and reads them.

Councilman Serra moves them for approval and Councilman Streeto seconds the motion. The Chair states confirmation of the appointments has been moved and seconded and asks if there is any discussion; hearing none, he calls for the vote. It is unanimous to approve with nine aye votes. The Chair states the matters pass unanimously.

Inland/Wetlands and Water Courses Agency:

Reappointment of Phil Nettis to October 30, 2013.

Standardization Committee:

Appointment of William Pillarella to January, 2012

Appointment of Donna Imme to January, 2012

Appointment of Damon Braasch to January 2012

Park and Recreation Commission:

Reappointment of Gerald Winzer to November 30, 2015

Board of Ethics:

Reappointment of Richard Wrubel to December 31, 2015

Committee Concerning People With Disabilities:

Reappointment of August DeFrance to January 31, 2016

Retirement Board:

Reappointment of Carl Erlacher to April 30, 2015

Walter C. Jones Fund:

Reappointment Rev. Moses Harvill to December 30, 2015

Middletown Commission on the Arts:

Reappointment of Barbara Arafah to July 1, 2013

Reappointment of Frances Ganguli to July 1, 2013

Reappointment of Jennifer Hawkins Lecce to July 1, 2013

Reappointment of Joyce Kirkpatrick to July 1, 2013.

Appointment of Cassandra Day to fill a vacancy to July 1, 2013.

Senior Services Commission:

Appointment of Edmund Rubacha to March 31, 2013.

Agenda Item
Description

12
Contingency Fund Transfers

There were no contingency fund transfers to announce

Agenda Item
Description

13
Questions to Directors on Nonagenda Items

There are no questions to directors on nonagenda items.

Point of Personal Privilege

The Chair recognizes Councilman Loffredo for point of personal privilege. He states the hour is late and he wanted to personally thank all his colleagues and especially you, Mayor, and he appreciates everyone's efforts on behalf of the City. He knows it is not easy, but this Council has exercised its authority responsibly and we have worked closely on behalf of the City and thanks the electorate of the City. He thanks them for the opportunity to run for office and thanks taxpayers and voters for confidence they placed in him. He will read about you in the paper or the Middletown Eye.

Councilman Klattenberg to the Chair they would like the special meeting for Thursday. The Chair states he will declare a vacancy in office tomorrow and the warrants will say Thursday.

Councilman Faulkner reminds everyone of the Martin Luther King Day on the 17th at Martin Luther King Drive. He asks everyone to come out for the event.

Motion to Adjourn

Councilman Bauer moves to adjourn and his motion is seconded by Councilman Streeto. There is no discussion and the vote is called. It is unanimous to adjourn and the Chair declares it at 11:40 p.m.

ATTEST:

MARIE O. NORWOOD
Common Council Clerk